



Concealed Weapon Courier

Arizona Department of Public Safety

Concealed Weapon Permit Unit

"Carry Responsibly, Carry Informed"

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From Rene's desk...

I want to express my appreciation to the Concealed Weapon Permit Unit (CWPU) staff and the 30 plus employees from other business units at the Department of Public Safety for working extra hours in the Concealed Weapon Permit Unit. During October and November, these dedicated employees sacrificed time away from their families and personal interests to process a record number of CCW applications and respond to a record number of customer inquiries. Without their hard work, CCW customers would have experienced significant processing delays so my hat is off to each person for helping! My life has been enriched through my experiences as a supervisor at DPS and I consider myself very fortunate to be working with so many dedicated people who are truly concerned with providing "best in class" services and products.

Thank you to everyone in the Department Records Unit, Criminal History Records Unit, Applicant Clearance Card Team, Information Technology, Grants Administration, Access Integrity Unit, Finance, Fleet, and Fingerprint Unit who rolled up their sleeves and helped us get the job done!

I also want to thank Director Vanderpool, Chief Georgene M. Ramming, and Lieutenant Larry Burns for their support of the Concealed Weapon Permit Unit. Their leadership inspires our creativity.

...Thank You!

The CWPU staff would like to remind all instructors to inform their customers that personal checks are not accepted. Applications received with personal checks will be returned to the customer causing a delay in the processing time. Thank you.

CWPU Success Story

The Concealed Weapons Permit Unit (CWPU) experienced a significant increase in applications since September 2005. The increases coincided with a reduction to the number of training hours required to initially qualify for a permit; the elimination of renewal refresher training; and implementation of the Law Enforcement Officer's Safety Act (LEOSA) Certificate of Firearms Proficiency.

The Concealed Weapon Permit Unit prepared for a record number of applications this fall and we were not disappointed! Between July and November of 2006, 16,972 applications were processed. In comparison, a total of 15,866 applications were processed for all of fiscal year 2005 and 22,067 applications were processed for fiscal year 2006.

As of November 30, 2006 there were over 84,000 active Arizona CCW permits.

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Did You Know?

Question: I am a CCW permit holder from another state. Can I use the CCW permit issued from that other state to purchase a firearm in Arizona and bypass the NICS check?

Answer: No. Please refer to 18 U.S.C. 922(t)(3)(A)(i)(II) of the 2005 Federal Firearms Regulation Reference Guide. The permit presented must be issued by the state in which the transfer is to take place.

What is NICS?

Members of the Concealed Weapon Permit Unit (CWPU) are often asked about “NICS” and what makes a person a “federal prohibited possessor”. The following information is offered to our customers to facilitate a better understanding.

Background – NICS

The Brady Handgun Violence Prevention Act (Brady Act) of 1993 required the U.S. Attorney General to establish the National Instant Criminal Background Check System (NICS). The NICS Index, a national database managed by the Federal Bureau of Investigation (FBI), was fully implemented on November 30, 1998. The NICS Index contains records contributed by local, state and federal agencies on federally prohibited individuals including information pertaining to illegal aliens, mental health defectives and involuntary commitments, controlled substance abusers and others.

The Concealed Weapon Permit Unit (CWPU) conducts checks into the National Instant Criminal Background Check System (NICS). These checks assist in determining if an applicant for a Concealed Weapon Permit is a prohibited possessor in accordance with United States Code, Title 922(d). The authority for this is found in Arizona Administrative Code, Title 13, Chapter 9

Welcome New CWPU Employees

BRIAN BULLOCH – Brian has been with the CWPU since June 2006. He was born in New Jersey and moved to Arizona when he was 9 years of age.

Brian is earning a Bachelor Degree in Criminal Justice Administration from the University of Phoenix. He anticipates a May 2007 graduation date. After completing his degree, he plans on applying to become a Highway Patrol Officer with the Arizona Department of Public Safety. Eventually, after taking more classes, he would like to work for the Federal Bureau of Investigation as a Special Agent.

MARCI FERRELL – Marci joined the unit after what she terms an “extended 10-year vacation” in the United States Navy. After completing her service in the Navy, Marci spent 3 years working with the American Red Cross. As a native of Phoenix, she could think of no better place to finally settle down. Marci started with the department in May 2005 as an Administrative Assistant. She transferred to the CWPU in October 2006.

JESSICA CASTILLO – Jessica has been with the Department for a little over a year. She started in the Applicant Clearance Card Team entering applicant information and processing background checks. She promoted to Administrative Assistant and joined the CWPU in November 2006. Jessica is a native Arizonan, born and schooled in Holbrook and moved to Phoenix at 9 years of age. She loves to watch movies with her fiancé, Nick, and 4-month old CHI-WEENIE (chihuahua/weiner dog mix) named Bella.

ANN HAAS - Ann Haas was hired by DPS in November of 2005 and spent her first year in the Applicant Clearance Card Team as a Criminal Records Specialist. Upon completing her first year, Ann joined the Concealed Weapon Permit Unit. She is a retired U.S. Navy Reservist where a majority of her service was with the Office of Naval Intelligence and Naval Criminal Investigative Service. Ann enjoyed traveling the world during her service.

JOSEPH COLANGELO – Joseph joined the CWPU as a Criminal Records Specialist in early December. He is originally from Connecticut relocating to Arizona in 1995. He served in the Arizona Air National Guard at Sky Harbor. Joseph is looking forward to traveling the Pacific Coast this year!

WELCOME TO EACH OF YOU

Federal Prohibitors

United States Code, Title 18, Section 922(d) states “it shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person –

- (1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
- (2) is a fugitive of justice;
- (3) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substance Act (21 United States Code 802);
- (4) has been adjudicated as a mental defective or has been committed to any mental institution;
- (5) who, being an alien-
 - (A) is illegally or unlawfully in the United States; or
 - (B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Naturalization Act (8 United States Code 1101(a)(26)).
- (6) who has been discharged from the Armed Forces under dishonorable conditions;
- (7) who, having been a citizen of the United States, has renounced his citizenship;
- (8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that –
 - (A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and
 - (B) **expected to cause bodily injury;**
 - (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
 - (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

- (9) has been convicted in any court of a misdemeanor crime of domestic violence.

State Prohibitors

A.R.S. §13-3101(6) - Prohibited possessor means any person -

- b. who has been found to constitute a danger to himself or to others pursuant to court order under section 36-540, and whose court ordered treatment has not been terminated by a court;
- c. who has been convicted within or without this state of a felony or who has been adjudicated delinquent and whose civil right to possess or carry a gun or firearm has not been restored;
- d. who is at the time of possession serving a term of imprisonment in any correctional facility or detention facility;
- e. who is at the time of possession serving a term of probation pursuant to a conviction for a domestic violence offense as defined in section 13-3601 or a felony offense, parole, community supervision, work furlough, home arrest or release on any other basis or who is serving a term of probation or parole pursuant to the interstate compact under title 31, chapter 3, article 4;
- f. who is a prohibited possessor under 18 United States Code 922(g)(5), except as provided by 18 United States Code 922(y).

CCW Eligibility

CCW applicants must:

- be a resident of this state or a United States citizen;
- be twenty-one years of age or older;
- not be under indictment for and not been convicted in any jurisdiction of a felony;
- not suffer from mental illness and been adjudicated mentally incompetent or committed to a mental institution;
- not be unlawfully present in the United States;
- satisfactorily complete a firearms safety training program approved by the department of public safety pursuant to A.R.S. §13-3112.O.

Changes to CCW Law

Arizona Revised Statute §13-3112 was amended effective September 21, 2006. Changes to subsection (M) eliminated the requirement to submit a certificate of completion of a 2-hour refresher firearms training program when submitting an application for renewal. The Concealed Weapon Permit Unit (CWPU) receives many inquiries regarding renewals so we want to emphasize that elimination of the renewal refresher training does not mean the renewal process was eliminated. Concealed Weapons Permit holders who wish to renew must still complete and submit a renewal application; a completed fingerprint card; and a money order, cashier's check or certified check for \$65.00 payable to DPS. Cash, debit or credit cards, and personal checks will not be accepted.

Other changes to A.R.S. §13-3112 included a revision to subsection (J) that expanded protection of applicant, permit holder and instructor records and subsections (U) and (V) regarding reciprocity and recognition. A chart illustrating state-by-state reciprocity and recognition is on page 5.

Finally, A.R.S. §13-3112(X) was amended requiring a law enforcement agency to issue to a law enforcement officer who has honorably retired a photographic identification that states that the officer has honorably retired from the agency.

Extreme Makeover: CCW Website

In January 2007, the DPS Concealed Weapon Permit website will undergo an extreme makeover! The updated site will be aligned with the Department's home page, be more user friendly, and contain information relevant to the CCW program with links to related sites such as ATF.

What does this mean for training organizations and instructors? In the near future, training organizations and instructors will be able to log on as members and access lesson plans, tests and answer keys, and forms meant for instructor and training organization use only. We plan to have a bulletin board where members can post comments, ask questions and share suggestions.



State	Written Reciprocity With Arizona	Recognizes Arizona Without Written Reciprocity	Does Not Recognize Arizona
Alabama		X	
Alaska	X		
Arkansas	X		
California			X
Colorado		X	
Connecticut			X
Delaware		X	
Florida		X	
Georgia			X
Hawaii			X
Idaho	X Pending		
Illinois			X
Indiana		X	
Iowa			X
Kansas			X
Kentucky		X	
Louisiana		X	
Maine			X
Maryland			X
Massachusetts			X
Michigan		X	
Minnesota			X
Mississippi	X Pending		
Missouri		X	
Montana		X	
Nebraska			X
Nevada			X
New Hampshire		X	
New Jersey			X
New Mexico		X	
New York			X
North Carolina		X	
North Dakota		X	
Ohio	X		
Oklahoma		X	
Oregon			X
Pennsylvania	X Pending		
Puerto Rico			X
Rhode Island			X
South Carolina		X	
South Dakota	X		
Tennessee		X	
Texas	X		
Utah		X	
Vermont			X
Virginia		X	
Washington			X
Washington DC			X
West Virginia			X
Wisconsin			X
Wyoming		X	

Fingerprint Card Submissions

Submission of fingerprint information is required to ensure we obtain the most complete criminal history background information possible in order to make the most informed concealed weapon permit eligibility decision. From time to time, the Concealed Weapons Permit Unit (CWPU) receives inquiries regarding the submission of fingerprint cards, specifically how fingerprint information is used and what happens to the card once its usefulness has expired. The following information is provided to facilitate a better understanding of the fingerprint card requirement.

Arizona Revised Statute (A.R.S.) §13-3112.F states the applicant shall submit two sets of fingerprints with their concealed weapons permit application. Although applicants may submit two sets of fingerprints with their application, the CWPU typically has not rejected an application submitted without two fingerprints cards. This is because a) in recent years, significant technological advances and improved training of fingerprint technicians, has reduced the need for second fingerprint submissions and b) rejecting the application for this purpose would delay the eligibility process.

The CWPU does not make any determination on the acceptability of fingerprints. Fingerprint images are sent electronically to the Federal Bureau of Investigation (FBI), Criminal Justice Information Services section (CJIS), who governs the submission of applicant fingerprints relating to federal background checks. When an agency submits applicant fingerprints for processing via the Integrated Automated Fingerprint Identification System (IAFIS), and the CJIS rejects the submission due to poor fingerprint quality, the agency may submit a second fingerprint card. The second print card may be submitted on the same individual once without charge within one calendar year from the date of original fingerprint submission was rejected. The process is unchanged by the submission of correspondence from fingerprint technicians, however well intentioned, stating the prints obtained are the best available.

If the Federal Bureau of Investigation (FBI) rejects the prints, the CWPU sends a letter to the applicant requesting submission of a second set of fingerprints. A pre-addressed return envelope is included for the customers' convenience. Once the second fingerprint card is received by the CWPU, the applicant will receive no further correspondence from the CWPU regarding the processing of that second submission. Results are processed internally and both fingerprint cards are shredded once the results are recorded. It is worth noting, however, that if preliminary checks of state and federal databases do not disqualify an applicant, the issuance of a permit is not delayed while the second set of fingerprints is processed.

Recently, improvements were made to the manner in which the CWPU staff processes the submission of multiple fingerprint cards. If two fingerprint cards are submitted with an application, CWPU will track the second fingerprint card in case the first fingerprint card is rejected by the FBI.



Armed Guard Training Course is NOT an Authorized CCW Training Course

It has come to the Department's attention that some training organizations are combining the 8-hour or 16-hour armed guard training course with the 8-hour CCW training course. The armed guard course was developed by the Licensing Section to meet the requirements of Title 32 Chapter 26. The CCW training course was developed by the Concealed Weapon Permit Unit to meet the requirements of Title 13 Chapter 31. The courses are not inter-changeable. CCW applications received reflecting completion of the 16-hour armed guard course will not be processed. Training organizations discovered to be teaching non-approved CCW training courses are subject to suspension in accordance with Arizona Administrative Rule, R13-9-401(E)(2).

Please contact Mike Kline, Concealed Weapon Program Coordinator, if you have any questions regarding this or to confirm your organization is using the correct CCW training course.

What is an FBI Identification Record?

A Federal Bureau of Investigation (FBI) record, often referred to as a “rap sheet” is a listing of information taken from fingerprint submissions retained by the FBI in connection with arrests and, in some instances, includes information taken from fingerprints submitted in connection with federal employment, naturalization or military service. The identification record includes the name of the agency or institution that submitted the fingerprints to the FBI. For criminal offenses, the identification record includes the date of the arrest or the date the individual was received by the agency submitting the fingerprints, the arrest charge(s), and the disposition of the arrest if known to the FBI. All arrest information included in an identification record is obtained from fingerprint submissions, disposition reports, and other reports submitted voluntarily by agencies having criminal justice responsibilities.

How Do I Obtain a Copy for Personal Review?

Due to the Privacy Act of 1974, the FBI cannot provide criminal history information over the telephone. You may obtain a copy of your FBI Identification record by sending a request to:

FBI
CJIS Division
Attention: Record Request
1000 Custer Hollow Rd.
Clarksburg, WV 26306

You are required to provide the following:

1. Your written request.
2. A fee in \$18.00 in the form of a certified check or money order made payable to the U.S. Treasury, or for credit card payments see www.fbi.gov/hq/cjisd/fprequest.html
3. A current, original ten print fingerprint submission taken by a local law enforcement agency and bearing your name, date of birth and place of birth.

What Will I Receive?

In accordance with regulations established by the U.S. Department of Justice, the FBI's CJIS Division is empowered to furnish an individual with a copy of any record in the criminal file pertaining to the individual or to advise that no such record exists. In instances when a criminal history record exists in the criminal file, the FBI identification record itself serves as the official reply. When no record is found, a dated “No Arrest Record” stamp on the back of the fingerprint card, which the individual submitted for a search of the criminal file, serves as the official reply.

How Do I Challenge my Record?

If, after reviewing your record, you believe it is inaccurate or incomplete, you may challenge the record by contacting the agency(ies) that originally submitted the information or by sending your challenge to the FBI CJIS Division Attention:

Correspondence Group at the above address who will contact the appropriate agency(ies) in an attempt to verify or correct the challenged entry for you. When challenging, you should include any supporting documentation you have in your possession that indicates the final outcome of the arrest(s).

For additional information concerning your record request and the challenge process, please contact the FBI Communications Contact group at (304) 625-5590 or refer to:

www.fbi.gov/hq/cjisd/fprequest/html

???Brain Teaser???

Can you name the five U.S. Territories?

Answer on page 8.



Answer to Brain Teaser: The five U.S. Territories are: Puerto Rico; N. Mariana Islands; Guam; American Samoa; and Virgin Islands.

Arizona is an ATF Alternate Permit State

When the NICS began operations in November 1998, the Bureau of Alcohol, Tobacco and Firearms (ATF) qualified certain states to issue permits that would suffice in lieu of a NICS background check at the point of transfer (see 18 U.S.C. §922(t)(3)). These documents are called “alternate permits” or “in lieu of permits”. In Arizona, the Concealed Weapons Permit serves as an alternate permit for ATF purposes. In order to issue an alternate permit, a state must complete a NICS search as part of the permit-issuing, renewal or refresher process. Alternate permits are issued for a designated period of time. Many are valid for up to five years, depending on the law in the particular state or U.S. Territory. A purchaser or transferee who presents an active alternate permit to a federal firearm licensee (FFL) is not required to undergo a NICS background check with each firearm transfer.

New Lobby Hours for Phoenix DPS



New hours for the DPS headquarters building at 2102 W. Encanto Blvd. in Phoenix are Monday through Friday, 8:00 a.m. to 5:00 p.m. The facility is closed on weekends and state holidays. Many CCW instructors and applicants have routinely dropped off application packets and picked up materials after hours and on weekends. Unfortunately, the lobby will no longer be available for this practice. The CWPU staff is happy to assist customers during normal business hours so please visit during those times. Thank you!